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Attorneys for Defendant/Counter-Claimant
WALTER HARVEY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTTSDALE INSURANCE COMPANY)	CASE NO.: CIV S-02-1890 WBS GGH
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER POSTPONING TRIAL
HENRY MORENO, ROSE A. MORENO, LA)	
MANSION DEL RIO, WALTER HARVEY,)	
and DOES 1 through 100, inclusive,)	Trial Date: May 15, 2007
)	
Defendants.)	Judge: Hon. William B. Shubb
)	
)	
)	

Pursuant to Local Rule 78-230 (g), the parties hereby submit the following Stipulation and [Proposed] Order:

Defendant/Cross-Claimant, Walter Harvey, by and through his counsel of record has just learned that his expert, Joseph Countryman will be out of the state and unavailable from May 14, 2007 though May 23, 2007. Defendants maintain that Mr. Countryman's appearance at trial is necessary to defendant's presentation of his case.

1 Walter Harvey's attorney, Mark S. Newman, is currently in trial in State court and will be
2 in trial into the month of June 2007.

3 Therefore, the parties have agreed to a new trial date of October 2, 2007.

4 The parties further agree that any rule, law, regulation or other authority requiring trial of
5 this action within a limited time frame of up to five (5) years is waived, and that failure to bring
6 this action to trial within any prescribed time limit not to exceed five (5) years will not bar trial
7 of this action.
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9 Due to the above circumstances the parties now request that this Court's trial date for this

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1 matter now scheduled for May 15, 2007, be continued as follows:

2 That the previously scheduled trial date of May 15, 2007 be continued to October 2, 2007
3 if agreeable with the Court.
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5 It is so stipulated.

6 DATED: May 8, 2007

SELMAN BREITMAN LLP

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8 By /s/ James R. Tenero
JAMES R. TENERO
9 LINDA WENDELL HSU
Attorneys for Plaintiff
10 SCOTTSDALE INSURANCE COMPANY

11 DATED: May 8, 2007

BORTON, PETRINI & CONRON LLP

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13 By /s/ Mark Newman
MARK NEWMAN
14 Attorneys for Defendant
WALTER HARVEY
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16 DATED: May 8, 2007

LAW OFFICES OF POOLE & PEREIRA

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18 By /s/ Paul A. Pereira
PAUL A. PEREIRA
19 Attorneys for Defendant
WALTER HARVEY

20 **It is so ordered:**

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22 DATED: May 10, 2007

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WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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